

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LAL FILED
Appeal No: 07-1651

GOOGLE, INC.

Plaintiff

vs.

CENTRAL MFG. INC. a/k/a
CENTRAL MFG. CO., a/k/a
CENTRAL MFG. CO.(INC.),
a/k/a CENTRAL MANUFACTURING
COMPANY, INC. and a/k/a
CENTRAL MFG. CO. OF ILLINOIS;
and STEALTH INDUSTRIES, INC.
a/k/a RENTAMARK and a/k/a
RENTAMARK.COM,

Defendants.

MAR 27 2007
CLERK U.S. DISTRICT COURT
MICHAEL W. DOBBINS

Case No: 07-CV-385

Hon. Virginia M. Kendall

Magistrate Judge Cole

Appeal from the U.S. District
Court for the Northern District
Eastern Division

Orders by Virginia M. Kendall
Dated 3/5/2007, 3/12/2007
and 3/16/2007

DESIGNATION OF THE CONTENT OF THE RECORD ON APPEAL

NOW COMES Leo Stoller and identifies the record for appeal which consists of the transcripts of the hearings on March 13 and March 19, 2007. Copies of the transcripts are attached hereto. The record for appeal also consists of the following motions, docket report and transcript:

- 1) Motion To Suspend (Docket No. 11).
- 2) Motion To Intervene (Docket No. 16).
- 3) Motion To Interplead (Docket No. 8).
- 4) Motion To Suspend Pending The Appeal To Lift The Automatic Stay For Google Inc. To Sue The Debtor Leo Stoller (Docket No. 9).
- 5) Motion To Suspend Pending The Trademark Trial And Appeal Board's Decision On The Defendant's Motion For Summary Judgment (Docket No. 10).
- 6) All documents listed on the attached U.S. District Court Docket Report
- 7) Transcript of Proceedings Before The Honorable Virginia M. Kendall
Dated February 20, 2007



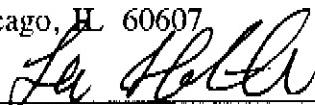
Leo Stoller
7115 W. North Avenue
Oak Park, Illinois 60302
(312) 545-4554
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Date: March 27, 2007

Certificate of Mailing

I hereby certify that the foregoing is being hand-delivered to the following address:

Clerk of the Court
United States Bankruptcy Court
219 South Dearborn
Chicago, IL 60607



Leo Stoller

Date: March 27, 2007

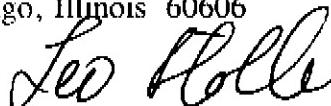
Certificate of Service

I hereby certify that the foregoing is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to:

Richard M. Fogel, Trustee
Janice A. Alwin, Esq.
*Shaw, Gassis, Fishman, Glantz,
Wolfson & Towbin LLC.*
321 N. Clark Street, Suite 800
Chicago, Illinois 60610

Michael T. Zeller
Quinn, Emanuel, Urquhart,
Oliver & Hedges, LLP.
865 S. Figueroa Street, 10th Floor
Los Angeles, California 90017

William J. Barrett
Barack, Ferrazzano, Kirschbaum,
Perlman & Nagelberg, LLP.
333 W. Wacker Drive, Suite 2700
Chicago, Illinois 60606



Leo Stoller Date: 3-27-07

09:14:24

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

4 GOOGLE, INC. Case No. 1:07-cv-385

5 Plaintiff, Chicago, Illinois
6 v. March 13, 2007 Status Conference

7 CENTRAL MANUFACTURING, INC.,
et al.,

Defendants.

10 TRANSCRIPT OF STATUS CONFERENCE
11 BEFORE THE HONORABLE VIRGINIA M. KENDALL
12 UNITED STATES DISTRICT JUDGE

12 APPEARANCES:

13 For the Plaintiff: Quinn, Emanuel, Urquhart &
14 Oliver, LLP
15 By: Michael T. Zeller
865 S. Figueroa St., 10th Floor
Los Angeles, CA 90017
(213) 443-3000

Also Present:

17 Chapter 7 Trustee, Shaw, Gussis, Fishman, Glantz,
Richard M. Fogel Wolfson & Towbin, LLC
18 By: Janice A. Alwin
321 N. Clark St., Ste. 800
19 Chicago, IL 60610
(312) 541-0151

23 Court Reporter: April M. Metzler, RPR, CRR
219 South Dearborn St., Rm. 2318-A
24 Chicago, IL 60604
(312) 408-5154

25 Proceedings recorded by mechanical stenography;
transcript produced by notereading.

09:14:32 1 (Commenced at 9:14 a.m.)

09:14:32 2 THE CLERK: 07C0385, Google versus Central
09:14:38 3 Manufacturing, status hearing.

09:14:40 4 MR. STOLLER: Good morning, your Honor. Leo
09:14:42 5 Stoller.

09:14:42 6 THE COURT: Good morning, Mr. Stoller.

09:14:44 7 MS. ALWIN: Good morning, your Honor.

09:14:46 8 Janice Alwin on behalf of the Chapter 7 Trustee,
09:14:50 9 A-l-w-i-n.

09:14:50 10 THE COURT: Good morning.

09:14:52 11 MR. ZELLER: Good morning, your Honor. Mike
09:14:52 12 Zeller on behalf of Google, Inc.

09:14:54 13 THE COURT: Good morning. Well, I think
09:14:54 14 you've all received my opinion and order today, so I am
09:14:58 15 finding, Mr. Stoller, that you don't have standing to
09:15:02 16 intervene. And that leaves us then with the issue of
09:15:04 17 the settlement agreement.

09:15:06 18 And if the settlement agreement is executed
09:15:08 19 and agreed to, what is the next step for me as far as

09:15:22 1 THE COURT: Okay. I'm not going to exercise
09:15:24 2 my discretion to do so.

09:15:26 3 MR. STOLLER: Thank you, Judge.

09:15:26 4 THE COURT: And so at this point, where do
09:15:28 5 we stand as far as the settlement agreement is
09:15:30 6 concerned?

09:15:30 7 MS. ALWIN: There is a joint motion before
09:15:32 8 your Honor to enter the permanent injunction. The
09:15:34 9 settlement agreement has been executed by all parties.

09:15:38 10 THE COURT: Okay. And I have reviewed that,
09:15:39 11 and I'll grant your motion then, the joint motion which
09:15:42 12 I know is opposed by Mr. Stoller and wanted to
09:15:44 13 intervene. I denied his motion to intervene, and so I
09:15:48 14 will grant the preliminary injunction -- or the
09:15:50 15 permanent injunction, rather.

09:15:52 16 Anything else?

09:15:52 17 MR. ZELLER: No, your Honor. This should
09:15:54 18 conclude, I think, the proceedings with the entry of the
09:15:56 19 permanent injunction.

09:15:56 20 THE COURT: Okay. Good luck, Mr. Stoller.
09:16:00 21 Thank you.

09:16:00 22 MR. STOLLER: Thank you very much.

09:16:00 23 MS. ALWIN: Thank you, your Honor.

09:16:02 24 MR. ZELLER: Thank you.

25 (Concluded at 9:16 a.m.)

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C E R T I F I C A T E

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I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled
matter.

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14

April M. Metzler, RPR, CRR

03-13-07

Date

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09:06:58

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

4 | GOOGLE, INC.

Case No. 1:07-cv-385

5 Plaintiff

Chicago, Illinois

et al. 1996; Hwang et al. 1997).

March 19, 2007

Motion Hearing

WATER WORKING

7 CENTRAL MANUFACTURING, INC.,
et al.,

Defendants.

12 APPEARANCES:

13 For the Plaintiff: Barack, Ferrazzano, Kirschbaum,
14 Perlman & Nagelberg
15 By: William J. Barrett
333 W. Wacker Dr., Ste. 2700
Chicago, IL 60606
(312) 984-3100

Also Present:

17 Chapter 7 Trustee, Shaw, Gussis, Fishman, Glantz,
Richard M. Fogel Wolfson & Towbin, LLC
18 By: Janice A. Alwin
321 N. Clark St., Ste. 800
19 Chicago, IL 60610
(312) 541-0151

Leo Stoller

21 7115 W. North Avenue
22 Oak Park, IL 60604
 (312) 545-4554

23 Court Reporter:

April M. Metzler, RPR, CRR
219 South Dearborn St., Rm. 2318-A
Chicago, IL 60604
(312) 408-5154

25 Proceedings recorded by mechanical stenography;
transcript produced by notereading.

09:07:02 1 (Commenced at 9:07 a.m.)

09:07:02 2 THE CLERK: 07C0385, Google versus Central

09:07:08 3 Manufacturing, motion hearing.

09:07:10 4 MR. STOLLER: Good morning, Judge. Leo

09:07:12 5 Stoller, S-t-o-l-l-e-r.

09:07:14 6 THE COURT: Good morning, Mr. Stoller.

09:07:16 7 MR. STOLLER: Good to see you.

09:07:18 8 THE COURT: Good to see you too.

09:07:18 9 MR. BARRETT: Good morning, your Honor.

09:07:18 10 William Barrett for Google. That's Barrett,

09:07:22 11 B-a-r-r-e-t-t.

09:07:22 12 THE COURT: Good morning.

09:07:24 13 MS. ALWIN: Good morning. Janice Alwin on

09:07:26 14 behalf of Rick Fogel, trustee for the Chapter 7

09:07:30 15 bankruptcy. A-l-w-i-n.

09:07:32 16 THE COURT: Good morning.

09:07:32 17 Well, I rarely get an opposition to a motion

09:07:36 18 to proceed in forma pauperis, and so we are all here. I

09:07:42 19 have received a response, and it looks like I've also

09:07:44 20 received a reply that was filed today, correct?

09:07:48 21 MR. STOLLER: Yes, Judge.

09:07:50 22 THE COURT: All right. And I have not had a

09:07:50 23 chance to look at the reply, so why don't I listen to

09:07:54 24 you orally. I know what your motion is, to proceed

09:07:58 25 in forma pauperis, so let me hear the opposition to

09:08:00 1 that, first.

09:08:02 2 MR. BARRETT: Your Honor, the opposition is
09:08:02 3 several points. First, the affidavit that Mr. Stoller
09:08:04 4 attached to his motion is nearly identical to the one
09:08:06 5 that Judge Lindberg rejected in a very similar motion in
09:08:10 6 the Pure Fishing case. He found that the affidavit did
09:08:12 7 not comply with requirements of the Seventh Circuit,
09:08:14 8 which has an application for this purpose. I also note
09:08:16 9 that the affidavit submitted here is not sworn.

09:08:18 10 Second, as we note in our paper, the general
09:08:22 11 statement of the affidavit, which is that Mr. Stoller is
09:08:24 12 not financially able to pay the fee, is contradicted by
09:08:26 13 a filing he made last month in the bankruptcy court. He
09:08:30 14 filed a motion for leave or for permission to retain
09:08:34 15 counsel to represent the two corporate entities, which
09:08:36 16 are now part of his bankruptcy estate.

09:08:38 17 In that motion he made statements that --
09:08:40 18 first implying that because -- that no estate funds
09:08:44 19 would be needed to retain those lawyers or this lawyer,
09:08:46 20 implying that he had the money to pay counsel.

09:08:48 21 Second, he makes statements saying that he's
09:08:52 22 trying to settle his bankruptcy case for a payment of
09:08:54 23 \$100,000. If he has \$100,000 to settle his bankruptcy
09:08:58 24 case, he can certainly afford the fee here.

09:09:00 25 Finally, your Honor, the -- I note that in

09:09:02 1 the bankruptcy case Mr. Stoller has taken the Fifth
09:09:06 2 Amendment with respect to questions on his assets. I
09:09:08 3 think in that case that this sort of relief here is not
09:09:10 4 appropriate.

09:09:10 5 THE COURT: Okay.

09:09:10 6 MR. STOLLER: Your Honor, I'd like to
09:09:12 7 address the fact that the circumstances -- my economic
09:09:16 8 circumstances have changed since I was in front of Judge
09:09:18 9 Lindberg. In terms of the attorney that he talked about
09:09:22 10 that I was retaining was on a barter system. He's with
09:09:26 11 Illinois Trade. And one of my family members, who has a
09:09:30 12 business that's with Illinois Trade contacted Illinois
09:09:32 13 Trade on my behalf. And had I had the right to
09:09:36 14 represent Judge Schmetterer, my corporations, I would
09:09:40 15 have been able to use this attorney not with money, but
09:09:42 16 with barter, because Illinois Trade is a barter
09:09:46 17 association. A lot of lawyers are in it.

09:09:48 18 In terms of the hundred-thousand-dollar
09:09:50 19 settlement, the trustee is holding \$345,000 in my
09:09:56 20 daughter's home, which is -- he has seized and it was
09:10:00 21 sold. It was a home my mother left to her, and it was
09:10:02 22 in my name for one day and my mother was -- willed it to
09:10:06 23 my daughter. So the hundred thousand would have come
09:10:08 24 out. My daughter would have borrowed that to me. Right
09:10:10 25 now I don't have access to it, but that's what I offered

09:10:12 1 to settle my debt with --

09:10:14 2 THE COURT: Wait, Mr. Stoller. What I think
09:10:16 3 I'll do is what I do with all IFPs, when they come in
09:10:20 4 like this.

09:10:20 5 Ms. Rosegay, will you put Mr. Stoller under
09:10:24 6 oath, since we don't have a sworn affidavit? And I'll
09:10:26 7 ask you some questions about your financial status.

09:10:32 8 (The witness was sworn by the clerk.)

09:10:32 9 THE COURT: Okay. Sir, first of all, do you
09:10:36 10 have any income coming into your house now --

09:10:38 11 MR. STOLLER: No, Judge.

09:10:38 12 THE COURT: -- as your household?

09:10:40 13 And who do you live with?

09:10:40 14 MR. STOLLER: I live with my brother.

09:10:42 15 THE COURT: And is it his house or your --
09:10:44 16 his house or your house?

09:10:44 17 MR. STOLLER: His house.

09:10:46 18 THE COURT: Does he own the house?

09:10:46 19 MR. STOLLER: No.

09:10:48 20 THE COURT: All right. Do you pay rent to
09:10:50 21 him?

09:10:50 22 MR. STOLLER: No.

09:10:50 23 THE COURT: Who owns the house?

09:10:52 24 MR. STOLLER: The house is owned by his
09:10:52 25 daughter.

09:10:52 1 THE COURT: Okay.

09:10:54 2 MR. STOLLER: And my brother's on Social

09:10:56 3 Security Disability.

09:10:56 4 THE COURT: Okay. How are you paying for,

09:10:58 5 say, food and getting around here to court today?

09:11:00 6 MR. STOLLER: My brother, out of his Social

09:11:02 7 Security disability payments that he receives from

09:11:04 8 Social Security, gives me some money.

09:11:06 9 THE COURT: Okay. And do you have any other

09:11:08 10 assets that you can access? For example -- let me go

09:11:12 11 through the list. Do you have any savings accounts?

09:11:12 12 MR. STOLLER: No, no, Judge.

09:11:14 13 THE COURT: Do you have any money in a

09:11:16 14 checking account?

09:11:16 15 MR. STOLLER: No, Judge.

09:11:16 16 THE COURT: Do you have any stocks or bonds?

09:11:18 17 MR. STOLLER: No, Judge.

09:11:20 18 THE COURT: Do you have any money invested

09:11:20 19 in any companies that you have access to?

09:11:22 20 MR. STOLLER: No, Judge.

09:11:24 21 THE COURT: Do you have any dependents that

09:11:26 22 can support you, such as children?

09:11:30 23 MR. STOLLER: I have a daughter who's 39,

09:11:34 24 but she is in Arizona and has -- I have two

09:11:36 25 grandchildren. And she is not in a position where she

09:11:40 1 can support her father.

09:11:40 2 THE COURT: Okay. And regarding where
09:11:44 3 you're living right now, who's paying the mortgage on
09:11:48 4 that house?

09:11:50 5 MR. STOLLER: My daughter -- my son's -- my
09:11:54 6 son's -- not my son -- my brother's daughter's paying
09:11:58 7 the mortgage on the house.

09:12:00 8 THE COURT: Okay. Who pays for the
09:12:00 9 groceries?

09:12:02 10 MR. STOLLER: His wife is working.
09:12:04 11 Christopher -- my brother's wife does work.

09:12:06 12 THE COURT: All right. Do you have a
09:12:06 13 vehicle, a car of any kind?

09:12:08 14 MR. STOLLER: I have a 1988 Honda -- a 1988
09:12:16 15 Honda.

09:12:16 16 THE COURT: All right. Do you make any
09:12:16 17 payments on that?

09:12:18 18 MR. STOLLER: No. I've had it for fifteen
09:12:20 19 years.

09:12:20 20 THE COURT: Okay. And other than the income
09:12:22 21 that I just discussed, do you have any liabilities that
09:12:24 22 you're paying out? Do you have any loans or mortgages
09:12:26 23 or rents or anything that you're paying out?

09:12:30 24 MR. STOLLER: The only thing that I'm
09:12:32 25 paying -- and I have claims of \$2.3 million against me

09:12:34 1 in my bankruptcy estate, and I'm not making any
09:12:38 2 payments. I don't have any money to make any payments.
09:12:40 3 And the most embarrassing thing is I can't even make my
09:12:44 4 child support payments, and as a result I'm unable to
09:12:48 5 see my children. Because in order to see my three
09:12:50 6 children -- I'm going through a divorce right now -- I
09:12:52 7 have to participate in what's called supervised
09:12:54 8 visitation. \$150 a week to pay a doctor to be present
09:13:00 9 to see my children.

09:13:02 10 I don't have the funds to do that. I
09:13:04 11 haven't been able to see my children -- and this is very
09:13:06 12 embarrassing, because I love them very much -- once
09:13:08 13 since November, early November.

09:13:10 14 THE COURT: Because you don't have the
09:13:12 15 money --

09:13:14 16 MR. STOLLER: I don't have the money.

09:13:16 17 THE COURT: -- to pay for that supervision,
09:13:18 18 that \$150 supervision?

09:13:20 19 MR. STOLLER: Right, exactly. Otherwise, I
09:13:22 20 would see them. And prior to my divorce -- being in a
09:13:24 21 divorce, I was Mr. Mom and took care of them and raised
09:13:26 22 them. My wife was a nurse and worked weekends and I
09:13:28 23 took care of them during the week, so it's extremely
09:13:30 24 stressful not to be able to be with them at all.

09:13:32 25 THE COURT: Okay. Now, Counsel, you've

09:13:34 1 objected saying that he has assets. You've heard his
09:13:36 2 statement under oath. What do you believe the assets
09:13:38 3 are that he has that he can access to pay for his filing
09:13:42 4 fee upstairs?

09:13:44 5 MR. BARRETT: Your Honor, our position is
09:13:44 6 not that we know that he has assets, but he hasn't been
09:13:48 7 forthcoming in the bankruptcy case to describe his
09:13:50 8 assets. I think this may be the first time under oath
09:13:52 9 that he has described any assets that he has.

09:13:54 10 MS. ALWIN: It is, actually, your Honor, the
09:13:56 11 first time under oath.

09:13:58 12 THE COURT: Well, I didn't realize I had
09:13:58 13 done anything so groundbreaking, but simply when someone
09:14:02 14 seeks to proceed before me or to go upstairs, I always
09:14:06 15 ask under oath what your assets are.

09:14:10 16 I have no reason, based upon the statements
09:14:12 17 here that Mr. Stoller made or your objection to it, to
09:14:16 18 not believe him, that he doesn't have any assets. So
09:14:18 19 I'm going to grant your motion --

09:14:20 20 MR. STOLLER: Thank you, Judge.

09:14:22 21 THE COURT: -- to proceed in forma
09:14:24 22 pauperis --

09:14:24 23 MR. STOLLER: Thank you.

09:14:24 24 THE COURT: -- and we have nothing further,
09:14:26 25 I think, before this Court. All right. Thank you.

09:14:26 1 MR. STOLLER: Thank you.

09:14:28 2 MR. BARRETT: Thank you.

09:14:28 3 MS. ALWIN: Thank you.

4 (Concluded at 9:14 a.m.)

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11 C E R T I F I C A T E

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13 I certify that the foregoing is a correct transcript
14 from the record of proceedings in the above-entitled
15 matter.

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03.19.07

18 April M. Metzler, RPR, CRR

Date

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Filing Date: 03/27/2007

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Virginia M. Kendall	Sitting Judge If Other than Assigned Judge	
CASE NUMBER	07 C 385	DATE	3/19/2007
CASE TITLE	Google Inc. Vs. Central Mfg. Inc., et al.		

DOCKET ENTRY TEXT

Motion hearing held. For the reasons stated on the record in open court, Movant Stoller's motion for permission to appeal in forma pauperis [41] is granted.

Docketing to mail notices

00-07

Courtroom Deputy
Initials:

GR